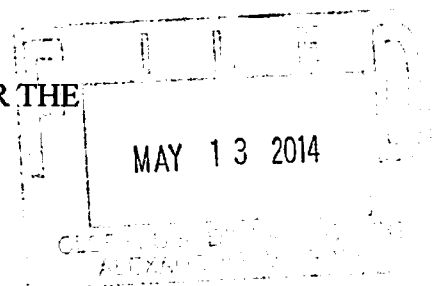


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

**Alexandria Division**



UNITED STATES OF AMERICA )

v. )

WILLIAM ANDREW CLARKE )

Defendant. )

CASE NO. 1:14-mj-239

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Kristina M. Eyler, being duly sworn, depose and state:

1. I am a Special Agent with the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge, Washington, D.C. I have been employed by DHS since 2003 and have seven years prior law enforcement experience. I have earned a Bachelor of Science degree in the field of criminal justice/psychology. Additionally, I have graduated from the Federal Law Enforcement Training Center's Police Mixed Basic Training Program, Prince William County Police Criminal Justice Academy, Federal Law Enforcement Training Center's Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Training Program. As part of your Affiant's current duties as an HSI agent, your Affiant investigates criminal violations relating to child exploitation, including violations which makes it a federal crime for any person to knowingly persuades, induces, entices, or coerces any individual who has not

attained the age of 18 years, to engage in any sexual activity for which a person can be charged with a criminal offense, or attempt to do so, in violation of 18 U.S.C. §2422(b).

2. The statements contained in this Affidavit are based on my experience and background as a special agent working in the area of child exploitation and on information provided by other law enforcement agents. I have not set forth every fact resulting from the investigation; rather I have set forth a summary of the investigation to date. For the reasons set forth below, your Affiant contends that this affidavit contains ample probable cause to believe that CLARKE knowingly persuaded, induced, enticed, or coerced an individual who has not attained the age of 18 years, to engage in any sexual activity in violation of 18 USC § 2422(b), which makes it a federal crime for any person to knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in any sexual activity for which a person can be charged with a criminal offense, including Section 18.2-61(a)(iii) of the Code of Virginia (rape of child under 13 years of age), Section 18.2-67.1(a)(i) of the Code of Virginia (forcible sodomy of child under 13 years of age), Section 18.2-67.3(a)(i) of the Code of Virginia (aggravated sexual battery of child under 13 years of age), or attempt to do so.

3. Section 18.2-61(a)(iii) of the Criminal Code of Virginia defines Rape as “sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished . . . with a child under age 13 as the victim.”

4. Section 18.2-67.1(a)(i) of the Criminal Code of Virginia defines Forcible Sodomy as “cunnilingus, fellatio, anilingus, or anal intercourse with a complaining witness whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person, and . . . the complaining witness is less than 13 years of age.”

5. Section 18.2-67.3(a)(i) of the Criminal Code of Virginia defines Aggravated Sexual Battery as “sexually abuse [of] the complaining witness, and . . . the complaining witness is less than 13 years of age.”

### **DETAILS OF INVESTIGATION**

6. On October 10, 2013, Special Agent Laws was acting in an undercover capacity on a social networking website. SA Laws made contact with a subject using the username “Andy Ring” via the social networking website. SA Laws continued communicating with “Andy Ring” through email, Skype and Yahoo! chat. “Andy Ring” provided his Yahoo! username as “vaandy1266” and his email address as varing419@gmail.com.

7. On October 10, 2013, SA Laws received an email from varing419@gmail.com, which read, “Hey, its VaRing from Social-Incest- or whatever the new name is LOL”.

8. On October 10, 2013, SA Laws responded to varing419@gmail.com, which read, “How’s it going?”

9. On October 10, 2013, varing419@gmail.com responded to SA Laws email, “well thanks. glad you found me. do you have incest experience?”

10. On October 10, 2013, SA Laws responded to varing419@gmail.com, which read, "I do with my daughter".

11. On October 10, 2013, varing419@gmail.com responded to SA Laws by email, which read, "awesome. you are closer to me than i thought. I'm often in nova area. for some reason i confused haymarket with newmarket. how long have you been active with her?"

12. On October 10, 2013, SA Laws sent varing419@gmail.com an email, which read, "Actually not in Hay Market...didn't want to put my exact city on my profile... We are actually in Fairfax. Been enjoying my daughter since she was 4yo."

13. On October 10, 2013, varing419@gmail.com sent SA Laws an email which read, "even better :) When i am in nova i live in Reston where is the mom? is she involved or out of the picture?"

14. On October 10, 2013, SA Laws sent varing419@gmail.com an email, which read, "long painful story. I married a much younger woman, she ran off with a guy and they started selling large amounts of meth and both got put in prison for a VERY long time! So I have full custody, we home school and have lived here for just over a year having moved from Alaska."

15. On October 10, 2013, varing419@gmail.com responded to SA Laws via email, which read, "sounds like a mixed bag situation. Do you home school your daughter yourself? I have been looking for likeminded guys close by, seems most are far away. Are you bi at all?"

16. On October 10, 2013, SA Laws responded to varing419@gmail.com via email which read, "Not bi but I have an 8yo son, don't really play with him. Although he has helped me masturbate a few times. The girl is GREAT at oral and anal."

17. On October 10, 2013, varing419@gmail.com responded to SA Laws email, "OMG you have a son! We need to meet ☺."

18. On October 10, 2013, SA Laws responded to varing419@gmail.com via email, "If you are TOTALLY serious I would like to have you over to the house for the weekend. Would you mind if I watched and jerked while Amy was giving you oral and or Mark was jerking you off? Do you have a pic of yourself...just an everyday type of pic. BTW I am Jaye."

19. On October 10, 2013, varing419@gmail.com responded to SA Laws email which read, "Yes I am totally serious and think a get together would be awesome. I am very laid back to whatever would make you happy...Did you see my pic on the site...here it is again. Would you be willing to share one of you?" In the body of the email was an image attached named "IMG\_0217.JPG". The image depicts a white male lying on a couch, wearing a white undershirt, a white buttoned shirt, dark colored pants, a black baseball cap turned to the side. The subject is holding the brim of the baseball cap with his right hand.

20. On October 10, 2013, SA Laws sent an email that included an image attachment titled "Mark n Amy.pdf". The image depicts a male and female juvenile both sitting on a red bench next to a Snoopy statue. Both children are fully clothed with their faces obscured.

21. SA Laws and “vaandy1266” began communicating on Yahoo! chat. The following is a chat, which occurred on October 10, 2013:

**vaandy1266 (1:23 PM):** it really is awesome to meet you... im game for a weekend thing.

**SA Laws (1:23 PM):** Yes, same with you my new friend! Yes, same with you my new friend! Like I said in my email I have a very nice house with a spare room

**vaandy1266 (1:25 PM)** sounds good... im interested... how long have you been active?

**SA Laws (1:25 PM):** Since Amy was 4yo...How about you

**vaandy1266 (1:26 PM):** well its a difficult question to answer.... but i was started by my uncle at 7.5 and with his son who was 4...then as i went through adulthood, i looked to be on the other end...so id say ive been involved in incest and yng for my whole life

**SA Laws (1:27 PM):** Well I have been into young pretty much my whole life also. So have you been active before

**vaandy1266 (1:27 PM):** yes

**SA Laws (1:27 PM):** Very cool, with who

**vaandy1266 (1:28 PM):** only a handfull of times, the most significant being my college buddy jeff. he and i shared with each other that we were started young by family. he has a family now. so i have been active with them but a few years ago, they moved when jeff was laid off his job to arizona so i do not see them very often anymore.

**SA Laws (1:29 PM):** Well that sucks...was Jeff's wife into it as well?

**vaandy1266 (1:30 PM):** not all all and his story is much like yours. his wife is no longer  
in the picture due to a heroin overdose which has left her in a  
persistant veg state

**SA Laws (1:30 PM):** WOW that's terrible...

**vaandy1266 (1:43 PM):** how did you get them started?

**badassbluejay (1:44 PM):** Just showing pictures of people naked, then normal adult  
porn then kiddie porn light touching....

**vaandy1266 (1:44 PM):** and they love it?

**SA Laws (1:45 PM):** Yea, it's totally a routine for us now...we have watched so much  
different porn them seeing sex is nothing new and that was the idea  
or rather the goal

**vaandy1266 (1:45 PM):** thats wonderful...have you shared before?

**SA Laws (1:46 PM):** No, never had the chance...would never look when we were in  
Alaska

**vaandy1266 (1:46 PM):** you are new to social-incest? or PF as its called now. I've been a  
member for years, and its changed very recently

**SA Laws (1:47 PM):** What the site changed?

**vaandy1266 (1:48 PM):** it used to be called social-incest and in sept it went down for a  
month and became family intamacy or something

**SA Laws (1:48 PM):** ahh got it

**vaandy1266 (1:50 PM):** so PnP in tomorrow?

**SA Laws (1:50 PM):** Yes, we have been doing PnP night every Friday for the past 3yrs  
or more. Try to never miss a Friday

**vaandy1266 (1:51 PM):** she is? and he is 8?

**SA Laws (1:51 PM):** Amy is 9yo and Mark is 8yo

**vaandy1266 (1:51 PM):** great...im 40 what about you?

**SA Laws (1:52 PM):** 52

**vaandy1266 (1:53 PM):** great! so when you have PnP do amy and mark ever do anything with each other?

**SA Laws (2:51 PM):** nope. Pretty sure they would be open for it

**vaandy1266 (2:51 PM):** think mark wants to do more than JO?

**SA Laws (2:52 PM):** Yes.... he has tried more, but like I said I am more into Amy'

**vaandy1266 (2:53 PM):** well he needs me around LOL

**SA Laws (2:53 PM):** I TOTALLY agree

22. On October 11, 2013, SA Laws, acting in an undercover capacity, spoke with "varing" via Skype. The conversation, which lasted approximately 30 minutes, concentrated on the traffic and construction issues in the northern Virginia area, a possible tractor trailer demonstration in Washington, D.C that day, and their future meeting with the children. Additionally, "varing" wanted to know if Mark was involved in the sex acts with Amy and SA Laws. "Varing" later expressed interest in having Amy perform oral sex on him during their meeting. "Varing" stated he would be driving a grey colored Mercedes Benz and would meet SA Laws and the kids at the McDonald's on 4040 Jermantown Road, Fairfax, VA. "Varing" is the same individual as described in paragraph 19.

23. On October 11, 2013, at approximately 1:50 hours, your affiant witnessed a white male approach, on foot, the vehicle SA Laws was sitting in at the predetermined



meeting location of 4040 Jermantown Road, Fairfax, VA 22030. The white male appeared to match the same person depicted in the photographs as described in paragraph 19.

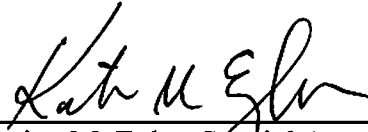
33. Law enforcement approached the white male and placed him under arrest. Based on the male's Virginia driver's license, he was identified as William Andrew CLARKE. CLARKE agreed to speak with your affiant after his *Miranda* rights were explained to him verbally.

34. During the interview, CLARKE acknowledged he expressed interest during their Skype chat of performing oral sex on Amy. CLARKE stated he did not remember any specific conversations he had with SA Laws regarding sex acts with Mark. Moreover, CLARKE stated his actions were not defensible and he knew what he said is not in any way appropriate.

### **CONCLUSION**

34. Based on the above information, there is probable cause to believe that CLARKE knowingly persuaded, induced, enticed, or coerced an individual who has not attained the age of 18 years, to engage in any sexual activity for which a person can be charged with a criminal offense, including Section 18.2-61(a)(iii) of the Code of Virginia (rape of child under 13 years of age), Section 18.2-67.1(a)(i) of the Code of Virginia (forcible sodomy of child under 13 years of age), Section 18.2-67.3(a)(i) of the Code of Virginia (aggravated sexual battery of child under 13 years of age), or attempt to do so, in violation of 18 USC § 2422(b).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kristina M. Eyler", written over a horizontal line.

Kristina M. Eyler, Special Agent  
Department of Homeland Security,  
Homeland Security Investigations

Sworn and subscribed to before me  
This 13th day of May, 2014

/s/Thomas Rawles Jones, Jr.

The Honorable T. Rawles Jones, Jr.  
United States Magistrate Judge  
Alexandria, Virginia